United Nations CEDAW/C/SWE/CO/8-9/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
7 March 2018

Original: English
English, French and Spanish only

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined eighth and ninth periodic reports of Sweden

Addendum

Information provided by Sweden in follow-up to the concluding observations*

[Date received: 16 February 2018]

* The present document is being issued without formal editing.

18-03512 (E) 150318

Please recycle

Introduction

1. This report comprises the written information by the Government of Sweden to the request in the Committee on the Elimination of All forms of Discrimination against Women's Concluding observations on the combined eighth and ninth periodic reports of Sweden (CEDAW/C/SWE/CO/8-9 of 10 March 2016) to provide, within two years, information on the steps taken to implement the recommendations in paragraphs 11 (a), (b) and (c) and 27 (a) and (c) of the said Concluding observations.

2. The Government invited representatives from civil society to a meeting in December 2017, where they could give input concerning the issues covered in this report.

3. Sweden has a feminist Government with a focus on gender equality both in national, and international work. Gender equality is central to the Government's priorities — in decision-making and resource allocation.

4. A feminist Government recognizes the prevalence of gender inequality and how that limits and shapes conditions for women and men, girls and boys. The overarching goal of the Government's gender equality policy is that women and men are to have the same power to shape society and their own lives. The Government works to make a real difference in people's lives in this regard. The policy agenda strives to combat inhibitive gender roles and structures, so that all women and men, boys and girls can live their lives to their full potential. Further the overall objective of the Government's discrimination policy is a society free from discrimination. The objective of the human rights policy is to ensure full respect for Sweden's international human rights commitments.

5. To implement its obligations under international law with regard to asylum seekers and refugees, such as the principle of non-refoulement (see CEDAW/C/SWE/CO/8-9 para 11 (a)).

6. The Swedish Aliens Act contains rules on e.g. visa, asylum, refugee status and subsidiary protection, residence permits and family immigration on grounds of newly established relationships as well as refugees' family reunification, work permits, returns and detention. The rules have been considered to agree with international obligations on human rights.

7. The principle of non-refoulement has long been part of Swedish law and is expressed in the Aliens Act, both in the provisions on residence permits for refugees and persons in need of international protection, and in the provisions on legal impediments to enforcement of a refusal of entry, or an expulsion order that has become final and non-appealable. Foreign nationals may not be refused entry or expelled if they risk persecution in the receiving country, or lack protection against being sent on to a country where they risk persecution. This includes gender specific persecution and persecution on the grounds of gender. There is an absolute prohibition of enforcing a refusal of entry or expulsion order if there are reasonable grounds for assuming that the foreigner concerned would be in danger of suffering capital or corporal punishment, torture or other cruel, inhuman or degrading treatment.

8. If new impediments to enforcement of such a decision or order should occur, or is invoked by the applicant, the Swedish Migration Agency must take appropriate measures: consider staying the enforcement, examining the circumstances, granting a re-examination and if relevant granting a residence permit. Re-examination is appealable to a migration court.

9. The large number of asylum seekers arriving in 2015 caused a strained situation for authorities and municipalities. Several measures were taken to reinforce the reception of asylum-seekers, and strengthen the introduction of new arrivals. On 20 July 2016, a temporary act was introduced, adapting Sweden's asylum rules in the Aliens Act to the minimum levels under EU law, and in accordance with international obligations.

10. Under the temporary act, refugees and persons eligible for subsidiary protection are granted temporary — instead of permanent — residence permits, and the opportunities for family reunification have been limited. Residence permits on the ground of particularly distressing circumstances (humanitarian grounds) are not granted unless it would be contrary to Swedish obligations under international law. The same applies to cases of family reunification. This means that permits must not be refused if the decision would be contrary to the European Convention on Human Rights. The European Convention against Trafficking (Council of Europe Convention on Action against Trafficking in Human Beings) is also referred to in the Government Bill introducing the act. The temporary act is in force for three years. The principle of non-refoulement is still maintained in the applicable legislation.

11. To take a gender-sensitive approach in receiving the current refugee inflows and in considering asylum claims, thereby ensuring that the needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern (see CEDAW/C/SWE/CO/8-9 para 11 (b)).

12. The risk of gender-based persecution is a specific ground for asylum — refugee status — in the Swedish Aliens Act. The assessment of gender-related claims, and gender dimensions, is continuous throughout the asylum process, e.g. with regards to the asylum seeker's preference of male or female interpreter, case officer, or public counsel. Spouses are interviewed separately. Asylum-seekers are informed about the code of secrecy between spouses, for example may information given by a wife in confidence not be shared with the husband. If the Migration Agency's officer becomes aware of any suspicion of there being violence within a marriage or relation, the applicant is given information about help or assistance, i.e. the police or support groups. There are internal operating procedures to follow if there is a suspicion that trafficking in human beings has occurred. The importance of individual asylum-processes was underlined at the meeting with representatives from civil society in December 2017.

13. A basic principle of accommodation for asylum seekers is that single women are placed with single women, men with men, and families by themselves, or with other families. An asylum seeker is entitled to accommodation adapted to individual needs if the applicant is in a particularly vulnerable situation due to special needs, for example after being exposed to trafficking, torture, female genital mutilation, rape or other forms of sexual violence. In 2016, the Migration Agency issued an internal standard for identifying persons in need of special accommodation.

14. All adult applicants receive information about the asylum process, health care, rules and regulations in Sweden. As for gender-specific support and services, applicants may receive information on hotlines for support and advice at an information meeting shortly after arrival, and during interviews at the Migration Agency. To ensure equal treatment, information given to women and men should be adapted so that there are no irrelevant differences due to gender. This is stated in a steering document on standard for information in the asylum process.

15. The Migration Agency provides training programs for case-officers and decision-makers through courses at the European Asylum Support Office (EASO), and with regard to the subject, "Interviewing Techniques" and "Gender and Sogi" (Sexual orientation and gender identity). The Migration Agency has a collection of case files for educational purposes which includes cases relating to gender specific issues, for example, "Women claiming gender related protection needs" and "Women without a male network". These are used as tools of education and discussion for employees. All new employees receive training through the course in "Norm criticism".

16. The Government has assigned the Migration Agency to develop an Action Plan for gender mainstreaming 2016–2018. The Action Plan was presented by the Migration Agency in 2015. The three main objectives are:

- Equal treatment, service and assessments for female and male permit applicants and asylum seekers;
- Actively counteract men's violence against women and honour-related violence;
- Activities permeated by a gender perspective.

17. Several activities in accordance with the Action Plan have taken place, or are planned. For example, the Migration Agency made a survey to follow up on the quality in the asylum process from a gender-equality perspective, with a focus on how women's grounds for asylum are examined. Following the survey, the Migration Agency identified the need to develop further legal support for the examination and assessment of women's grounds for asylum.

18. In June 2017, the Migration Agency published a Legal Position on examination and assessment of persecution due to gender concerning women. It contains, inter alia, sections about applicable Swedish and EU law, a method for examining gender-based persecution, gender-specific persecution, evidentiary requirement and burden of proof. The document sets out more important cases, including from the European Court of Human Rights. The Legal Positions are general recommendations on the applications of law and regulations within the Agency's area of responsibility. The purpose is to achieve a uniform legal practice. Case officers and decision-makers shall follow the Legal Positions in application of law and regulations.

19. To maintain its dedication to ensuring the effective implementation of Security Council resolution 1325 (2000) in countries affected by conflict (see CEDAW/C/SWE/CO/8-9 para 11 (c)).

20. Sweden pursues a feminist foreign policy and the agenda for Women, Peace and Security is a priority for Sweden. The third National Action Plan on Women, Peace and Security was launched in May 2016, following broad consultations with relevant actors in Sweden and five conflict and post-conflict countries: Afghanistan, Colombia, the Democratic Republic of the Congo, Liberia and Palestine.

21. The national action plan sets out how work on the agenda is to be conducted, and gathers Sweden's overall priorities in the area. The following government agencies contribute expertise to implementing the action plan: the Swedish National Courts Administration, the Folke Bernadotte Academy, the Swedish Armed Forces, the Swedish Defence University, the Swedish Prison and Probation Service, the Swedish Coast Guard, the Swedish Civil Contingencies Agency, the Swedish Police Authority, the Swedish International Development Cooperation Agency, the Swedish Defence Research Agency and the Swedish Prosecution Authority.

22. Twelve priority countries are identified for implementation: Afghanistan, Bosnia and Herzegovina, Colombia, the Democratic Republic of the Congo, Iraq, Liberia, Mali, Myanmar, Palestine, Somalia, Syria and Ukraine.

23. To promote effective implementation of the Women, Peace and Security agenda Sweden has:

- Further developed the Swedish women's mediation network, established 2015. During 2016 and 2017 the network has become more established and involved in peace processes in for example Afghanistan, Somalia and Syria;
- Contributed to integrate gender equality in the International Dialogue on Peacebuilding and Statebuilding through financing a study on operationalizing the Stockholm Declaration of 2016 from a gender perspective;
- Supported states in creating and implementing national action plans for Women, Peace and Security through advice, knowledge-sharing and support;
- Taken an active role in supporting women's participation in the Syrian peace talks in Geneva. Sweden financed and facilitated the presence of the Women's Advisory Committee (WAC);
- Consistently engaged in strengthening the implementation of the Women, Peace and Security agenda as member of the UN Security Council 2017–2018, a role whose importance was emphasized by civil society at the meeting at the Government offices. Sweden chairs the informal working group on Women, Peace and Security;
- Been leading in the work to establish a Principal Advisor on Gender Equality and Women, Peace and Security within the European External Action Service (EEAS), and strengthened the office with a secondment;
- Contributed to developing EU's work with reporting on sexual and gender-related violence through proposals on how to improve EEAS work through e.g. including gender and age-disaggregated data and by promoting the EU's gender mainstreaming approach to violent extremism. Sweden's secondments in the EEAS have been central in this regard;
- Initiated a new long-term research initiative in the area of Women, Peace and Security, including a professorship at the Swedish Defence University. The research program aims to increase knowledge about the role of women in conflicts, peace processes and disaster relief, gender perspectives in military organizations and operations, and a general focus on conflict prevention and peace building.

24. Examples of Sweden's contribution to conflict prevention:

- Sweden was a strong actor for a negotiated peace in Colombia; inter alia by the promoting participation of women and inclusion of a gender perspective and women's rights in the peace accord;
- Initiated activities to strengthen women's political ownership and right to political participation in Democratic Republic of Congo in the light of the elections. The Swedish Embassy supports initiatives to strengthen women's active participation in peace dialogues;
- Initiated mediation training for women in Afghanistan through cooperation between the Swedish Embassy in Kabul, the Swedish Women's Mediation Network and the Swedish authority Folke Bernadotte Academy;

- Chaired the Call for Action on Protection from Gender-Based Violence in Emergencies, which brings together countries and organizations to prevent and increase protection against gender-related violence in disasters;
- Brought attention to the responsibility and role of men in gender equality work through the HeforShe campaign and an exhibition by the Swedish Institute;
- Raised the need for a gender perspective in the work to counter terrorism and violent extremism in several fora, including the UN, EU, the OECD and The Global Coalition against ISIL/Da'eash;
- Advocated for the UN to include gender perspectives in efforts to prevent violent extremism. This has, among other things, contributed to the inclusion of several statements on gender in the UN Secretary General Plan of Action to Prevent Violent Extremism (December 2015).

25. Adopt a holistic national strategy to address violence against women as soon as possible (see CEDAW/C/SWE/CO/8-9 para 27 (a)).

26. Men's violence against women must stop. Women and men, girls and boys, must have the same right and access to physical integrity. This is one of the six gender equality policy sub-goals the Government is working towards.

27. In November 2016, the government adopted a multi-sectoral National Strategy for Preventing and Combating Men's Violence against Women 2017–2026, including an action plan of 44 specific measures for the years 2017–2020. The strategy is included in the Government's written communication 'Power, goals and agency — a feminist policy for a gender-equal future' (Govt. Comm. 2016/17:10) which has been submitted to the Swedish parliament.

28. The action plan includes measures for the coordination, implementation, monitoring and evaluation of policies and to combat men's violence against women, and domestic violence including honour related violence and oppression, as well as prostitution and trafficking for purposes of sexual exploitation.

29. It was developed with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) as reference point, and is harmonising with the latter in terms of scope and measures. The strategy also recognises men and boys as potential victims and women and girls as potential perpetrators of those forms of violence (e.g. domestic violence) that are predominantly, though not exclusively, exercised by men and boys against women and girls. It puts special emphasis on prevention, targeting men and boys, destructive norms of masculinity (which was one issue brought up at the meeting with representatives from civil society ahead of this report) and the need for more broadly involving men and boys in efforts against violence.

30. The strategy's four inter-related objectives are:

(1) Enhanced and effective prevention;

(2) Improved detection, protection and support to women and children subjected to violence;

(3) More effective crime control;

(4) Improved knowledge and development of methods.

31. All interventions are likewise expected to consider nine cross-cutting principles such as respect for human rights, including the rights of the child, persons with

disabilities (a perspective underlined at the meeting with representatives from civil society) and LGBTI-persons.

32. The national strategy was developed in response to the findings of government inquiries as well as government agencies reviewing previous policy initiatives in this area. Although notable progress had been made, the overall impact of government initiatives for women and children at risk of violence were difficult to assess due to limitations in available data, data collection and follow-up. These reviews also pointed to the need for strengthened governance and coordination of pertinent work on all levels with the aim to strengthen the efficiency, knowledge-management and sustainability of efforts to prevent and combat violence against women.

33. A new government agency for gender equality, to be operative as of 1 January 2018, is commissioned to support the Government in coordinating the implementation and follow-up of the national strategy. By making this the responsibility of the gender equality agency the work can be conducted on a long term and permanent basis. Sweden's 21 County Administrative Boards have been commissioned to perform similar functions within their respective regions. Furthermore, an agreement for 2018–2020 is reached with the Association for Local and Regional Authorities to strengthen the gender equality work, including work against men's violence against women.

34. There are also other gender equality assignments conducted by other agencies that will be transferred and coordinated by the new agency: parts of the National Centre for Knowledge on Men's Violence Against Women, and parts of the Swedish Secretariat for Gender Research, as well as the assignment to distribute government grants to gender equality projects and women's organisations. The intention is to make the work less fragmented, and improve coordination, efficiency and impact of the Government's gender equality policy.

35. A total of 600 million SEK (approximately EUR 59 million) has been allocated for the action plan 2017–2020. The Government will also spend 214 million SEK targeting honour-related violence and oppression within the framework of the national strategy 2018–2020. Along with previously decided grants for non-profit women's shelters, municipalities and county councils/regions, the Government has allocated over 1 billion SEK (approximately EUR 99 million) to this area from 2015 to 2020. This is a low estimate, since it does not include core funding to public authorities of key sectors such as education or the criminal justice system.

36. Further study the root causes for the low reporting and conviction rates in cases of violence against women and strengthen its efforts to eliminate all barriers preventing women from reporting violence to the police (see CEDAW/C/SWE/CO/8-9 para 27 (c)).

37. It is unacceptable that many women and children are subjected to crime every year. The crime policy aims to inter alia reduce crime and bring about an increase in the total number and the share of settled and prosecuted offenses. A broad range of activities have been initiated to increase reporting and conviction rates in cases of violence against women, as well as to eliminate all barriers preventing women from reporting violence to the police. Several aspects within this area were brought up at the meeting between representatives from civil society organizations and from the Government offices.

38. The #metoo movement has also strongly demonstrated that more needs to be done to combat sexual harassment and sexual violence in workplaces and society. The Government has required employers to take responsibility for a secure work environment. There are already tools and legislation, but the power and size of the

petitions show that there are deficiencies in compliance. For that reason the Ministers for Employment and Gender Equality have met with labour market and union partners, and other ministers have met with heads of government agencies and business leaders to focus on the responsibility of employers to counteract sexual violence and harassment.

39. The Government has already adopted several initiatives, and the long-term measures include a new sexual offences legislation, the national strategy to prevent and combat men's violence against women, the new gender equality agency, and a work environment strategy.

40. The Swedish National Council for Crime Prevention (Brå) is carrying out several commissions from the Government due to i.e. the recommendation to further study the root causes for the low reporting and conviction rates in cases of violence against women. These commissions include a study on the development of gross violation of a woman's integrity, in which Brå will analyse the causes behind the decrease in complaints made, as well as settled and prosecuted offenses. This commission is to be reported in November 2018.

41. Furthermore, Brå will analyze the causes behind the increase in sexual offenses. The report is to be presented in May 2019. Moreover, Brå will study how the judicial authorities handle complaints regarding rape violations from the moment a complaint is made to the judgment of the case. The commission is to be reported in November 2019.

42. The Government gave a Committee of Inquiry the task of reviewing how protection against child marriage, forced marriage and "honour" crimes can be strengthened in March 2017. An interim report proposing further restrictions regarding recognition of foreign child marriages was presented in December 2017. The final report will be presented in September 2018.

43. A draft bill regarding strengthened and modernized criminal law protection of personal privacy was submitted to Parliament in September 2017. Amongst other things, a penalty provision on unlawful violation of privacy was introduced, which will apply to violation of privacy by spreading, inter alia, images or other information about someone's sex life. The main part of the legislation entered into force on 1 January 2018.

44. A draft bill regarding expanded possibilities to use electronic monitoring of restraining orders was presented to the Council on Legislation in 2017. According to the proposal the new provisions enter into force on 1 July 2018. The Government will submit a bill to Parliament at the latest in March 2018.

45. A draft bill regarding enhanced protection of sexual integrity was submitted to the Council on Legislation in December 2017. The Government plans to submit a bill to Parliament in March 2018 at the latest.

46. The Police Authority faces major challenges and the need for more staff is considerable. In order to strengthen the capacity the allocation to the Police Authority will be increased in 2018. The Government has announced further increases in the resources in 2019 and 2020.

47. Crimes in close relationships and rapes are areas of high priority for the Police Authority, where special efforts are made to develop successful working methods. The Police Authority and the Prosecution Authority have together developed a methodology manual to ensure that initial and subsequent investigative measures are carried out according to high quality standards. The Police Authority has also

strengthened methodological support to crime victims and personnel safety work. Moreover, the Contact Center of the Police Authority, which receives calls and complaints from the public in non-urgent cases, has been strengthened.

48. The Government has commissioned the Police Authority and the Prosecution Authority to present measures taken to develop and improve the quality of investigations considering rape and other sexual offences. Regarding the Police Authority, this also includes a report on how the Authority works to improve the treatment of victims of sexual offences. The Prosecution Authority is to present measures taken to strengthen the Authority's ability to intervene against threats and violations online. Furthermore, the Prosecution Authority has developed guidelines for prosecutors regarding investigations on coercion to marry, as well as attempts, preparation and conspiracy thereof.

49. The Prosecution Authority is currently preparing measures to ensure that human trafficking is handled by prosecutors with special education and experience of the crime. The Prosecution Authority has also taken other initiatives to counter men's violence against women, violence in close relationships, crimes against children, sex crimes and honour-related crimes.

50. The Swedish National Courts Administration has recently produced an e-learning module regarding gender equality in the court system and made it available to all employees of the Courts of Sweden. The Courts of Sweden Judicial Training Academy is responsible for judicial training for judges and other legal court staff. The Judicial Training Academy offers training sessions for judges concerning the treatment of parties, evaluation of evidence, sentencing and other issues of relevance when handling cases regarding sexual offences and domestic violence.

51. The National Centre for Knowledge on Men's Violence Against Women (NCK) at Uppsala University offers, as part of the commission from the Government, courses on violence. In 2015 and 2016, over 3 500 persons took part in the external training activities offered by NCK. A free web-based course was also launched in 2016 and had almost 4 000 registered users by the end of that year. The aim is to increase the competence firstly in the Social services, but the course is also relevant for other sectors.